IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 25509 of 2006(J)

PETITIONER:

C.A.SHAJAHAN, CHARUVILA PUTHEN VEEDU,
VENGA, MYNAGAPPALLY, KOLLAM DISTRICT.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
SPECIAL SECRETARY, FOOD AND CIVIL SUPPLIES
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF CIVIL SUPPLIES,
PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
CIVIL STATION, KOLLAM.

4. THE DISTRICT SUPPLY OFFICER,
KOLLAM.

5. THE TALUK SUPPLY OFFICER, KUNNATHUR,
KOLLAM.

6. K.K.RAJI, ADHARSH, PALLIMURI,
KOLLAM DISTRICT.

7. B.LATHI KUMARI, AZHIYAKATHU,
VADAKKUMBHAGOM, CHAVARA SOUTH, KARUNAGAPPALLY.

8. M.LALITHA BEEVI,
CHARUVILAYAIL, VENGA P.O. KOLLAM.

R1 TO 5 BY G.P. SMT.R.BINDU
R7 BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
R8 BY ADV. SRI.T.M.ABDUL LATHEEF
SRI.A.MUHAMMED HASHIM
R6 BY ADV. SRI.O.K.MURALEEDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: PHOTOCOPY OF THE NOTIFICATION DT.17.2.2005.

P2: PHOTOCOPY OF THE COVERING LETTER OF THE APPLICATION DT.28.3.2005 SUBMITTED BY PETITIONER.

P3: PHOTOCOPY OF THE CONSENT LETTER DT.5.3.2005.

P4: PHOTOCOPY OF THE ORDER DT.16.11.2005.

P5: PHOTOCOPY OF THE APPEAL MEMORANDUM DT.6.12.2005.

P6: PHOTOCOPY OF THE ORDER DT.21.4.2006.

P7: PHOTOCOPY OF REVISION PETITION DT.1.6.2006.

P8: PHOTOCOPY OF THE ORDER DT.29.8.2006.

RESPONDENT'S EXHIBITS:

R7(a): TRUE COPY OF THE REVISION PETITION FILED BY R7 BEFORE THE GOVT.

R7(b): TRUE COPY OF RESIDENTIAL CERTIFICATE DT.28.6.2006 ISSUED BY THE KUNNATHUR VILLAGE OFFICER TO THE PETITIONER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.25509 of 2006

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Dated this the 24th day of January, 2007.

JUDGMENT

The petitioner is challenging Ext.P8 order issued by the Government rejecting the applications submitted by petitioner and respondents 6 to 8 for wholesale dealership in ration articles for the reason that all the applicants were disqualified for one reason or the other. So far as petitioner is concerned, he is found to be gainfully employed in running a cashew factory. Counsel for the 7th respondent submitted that her application was rejected for want of proof of residence in the area which according to her, she has. The disqualification of 8th respondent is that her husband is a retail ration dealer and consequently wife is not entitled. However, 8th respondent submitted that if wholesale dealership is awarded to her, her husband is willing to give up retail dealership. I do not think there is any need to consider the relative claims of the applicants and their eligibility because all what Government has done vide Ext.P8 is to call for fresh applications. The W.P. is disposed of directing respondents 3 or 4 as the case may be, to permit all the applicants to apply for wholesale dealership in ration articles for fresh consideration in the light of the Regulations.

Enquiry should be conducted with regard to eligibility claim of each applicant and the same should be first adjudicated and rejection should be made only for valid reasons after giving opportunity to the applicant. The dealership should be awarded after considering relative merit of eligible applicants. I make it clear that disqualification should be done through independent orders after hearing the parties on their claims. As claimed by 8th respondent, if she is willing to remove the disability, if otherwise found eligible, an opportunity should be given to her to remove the disability by surrendering retail dealership or giving up of other business etc. Respondents 1 to 5 are directed to call for application and make fresh selection within two months from date of receipt of copy of this judgment.

C.N.RAMACHANDRAN NAIR
Judge

pms